APPEAL NO. 023272
FILED JANUARY 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on November 13, 2002. The hearing officer determined that because the appellant (claimant) failed to show that he suffered damage to the physical structure of his lumbar spine in an incident at work on _____, or that his lumbar spine problems are results naturally flowing from the _____, injury, the lumbar spine is not part of the compensable injury, and the respondent (carrier) is not liable for benefits related to such body parts. The claimant appealed and the carrier responded, urging affirmance.

DECISION

Affirmed.

On appeal, the claimant asserts that the hearing officer erred by determining that the claimant did not sustain an injury to the lumbar spine. The claimant asserts that this determination is overly broad because the issue presented was the compensability of the claimant's lumbar discogenic disease, not the entire lumbar spine. The claimant asserts that because the hearing officer failed to make findings of fact or conclusions of law regarding this specific condition, the case must be reversed and remanded for a new hearing. We do not agree. The parties agreed, on the record, that the issue could be rephrased as "Does the compensable injury extend to the claimant's lumbar spine." Because of this agreement, we find that the hearing officer correctly addressed the issue before him.

The claimant had the burden to prove that his _____, compensable injury extends to and includes his lumbar spine (lumbar discogenic disease). There is conflicting evidence in this case. The 1989 Act makes the hearing officer the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). The finder of fact may believe that the claimant has an injury, but disbelieve that the injury occurred at work as claimed. Johnson v. Employers Reinsurance Corp., 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). A fact finder is not bound by medical evidence where the credibility of that evidence is manifestly dependent upon the credibility of the information imparted to the doctor by the claimant. Rowland v. Standard Fire Ins. Co., 489 S.W.2d 151 (Tex. Civ. App.-Houston [14th Dist.] 1972, writ ref'd n.r.e.). An appellate body is not a fact finder and does not normally pass upon the credibility of witnesses or substitute its judgment for that of the trier of fact, even if the evidence would support a different result. Texas Workers' Compensation Commission Appeal No. 950084, decided February 28, 1995. Our review of the record reveals that the hearing officer's extent-of-injury determination is supported by sufficient evidence and that it is not so contrary to the overwhelming weight of the evidence as to be clearly wrong or unjust. Thus, no sound basis exists for us to disturb that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELER'S INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

CT CORPORATION
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.

_____
Daniel R. Barry
Appeals Judge

CONCUR:

_____
Robert W. Potts
Appeals Judge

_____
Edward Vilano
Appeals Judge